



Image

RCE #

Atty. Dkt. No. 078728-0106

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph ROBERTS et al.  
Title: CLONING, OVEREXPRESSION AND  
THERAPEUTIC USE OF BIOACTIVE  
HISTIDINE AMMONIA LYASE  
Appl. No.: 09/833,745  
Appl. Filing Date: 4/13/2001  
Examiner: Patterson, Charles L. Jr.  
Art Unit: 1652

**REQUEST FOR CONTINUED EXAMINATION (RCE)**  
**TRANSMITTAL**

Mail Stop RCE  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. Submission required under 37 C.F.R. §1.114: (check items that apply)

a. Previously submitted:

- ☒ Please enter and consider the amendment/reply previously filed on January 20, 2004.
- ☐ Please consider the Affidavit(s)/Declaration(s) previously filed on \_\_\_ but not considered.
- ☐ Please consider the arguments in the Appeal Brief or Reply Brief under 37 C.F.R. § 1.116 previously filed on \_\_\_.

☐ Other \_\_\_\_.

b. Enclosed are:

☐ Amendment/Reply.

☐ Affidavit(s)/Declaration(s).

☐ Information Disclosure Statement.

☐ Form PTO-1449 with copies of \_\_\_\_ listed reference(s).

☐ Other .

Miscellaneous:

☐ Suspension of action of the above-identified application is requested under 37  
C.F.R. § 1.103(c) for a period of \_\_\_\_ months.

The filing fee is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Fee Totals
RCE Fee 1.17(e):				\$770.00	= \$770.00
Total Claims:	14	- 24	= 0	x \$18.00	= \$0.00
Independents	4	- 5	= 0	x \$86.00	= \$0.00
First presentation of any Multiple Dependent Claims:				+ \$290.00	= \$0.00
CLAIMS FEE TOTAL:					= \$770.00

[ X ] Applicants hereby petition for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[ ] Extension for response filed within the first month:	\$110.00	0	\$0.00
[ ] Extension for response filed within the second month:	\$420.00		\$0.00
[ X ] Extension for response filed within the third month:	\$950.00		\$950.00
[ ] Extension for response filed within the fourth month:	\$1,480.00		\$0.00
[ ] Extension for response filed within the fifth month:	\$2,010.00		\$0.00
EXTENSION FEE SUBTOTAL:			\$950.00
EXTENSION FEE ALREADY PAID: -			\$420.00
EXTENSION FEE TOTAL			\$530.00
CLAIMS AND EXTENSION FEE TOTAL:			\$1300.00
[ ] Small Entity Fees Apply (subtract ½ of above):			\$0.00
[ ] Suspension of action requested under 37 C.F.R. § 1.103(c)			\$0.00
TOTAL FEE:			\$1300.00

[ X ] A check in the amount of \$1300.00 to cover the filing fee and third-month extension of time fee is enclosed.

[ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 18 February 2004

By S. A. Bent

FOLEY & LARDNER

Customer Number: 22428

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Facsimile: (202) 672-5399

Stephen A. Bent

Attorney for Applicant

Registration No. 29,768